



PRESENT:

Mr. Daniel A. Gecker, Chairman
Mr. Sherman W. Litton, Vice-Chairman
Mr. Jack R. Wilson, III
Mr. Russell J. Gulley
Mr. F. Wayne Bass
Mr. Thomas E. Jacobson, Secretary to the Commission,
Planning Director

ALSO PRESENT:

Mr. Kirkland A. Turner, Development Manager,
Community Development
Mr. William D. Poole, Assistant Director,
Development Review, Planning Department
Mr. Glenn E. Larson, Assistant Director, Plans and Information
Branch, Planning Department
Ms. Beverly F. Rogers, Assistant Director, Zoning and
Special Projects, Planning Department
Mr. Robert V. Clay, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Jane Peterson, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Darla W. Orr, Senior Planner, Zoning and
Special Projects, Planning Department
Mr. Fred Moore, Planner, Zoning and
Special Projects, Planning Department
Mr. Gregory E. Allen, Planning Administrator,
Development Review, Planning Department
Mr. Alan G. Coker, Senior Planner, Development
Review, Planning Department
Mr. Doug Mawby, Senior Planner, Development
Review, Planning Department

Mr. Zachary L. Robbins, Planner, Development
Review, Planning Department
Ms. Barbara Fassett, Planning Administrator, Advance Planning
and Research Branch, Planning Department
Mr. James K. Bowling, Principal Planner, Advance Planning
and Research Branch, Planning Department
Mr. Carl D. Schlaudt, Principal Planner, Advance Planning
and Research Branch, Planning Department
Mr. Steven F. Haasch, Planner, Advance Planning and
Research Branch, Planning Department
Ms. Linda N. Lewis, Administrative Secretary, Administrative
Branch, Planning Department
Ms. Deanna D. Harkabus, Secretary, Administrative
Branch, Planning Department
Mr. David W. Robinson, Assistant County Attorney,
County Attorney's Office
Ms. Tara McGee, Assistant County Attorney,
County Attorney's Office
Mr. Allan M. Carmody, Budget Manager,
Budget and Management Department
Mr. R. John McCracken, Director,
Transportation Department
Mr. Richard M. McElfish, Director,
Environmental Engineering Department
Mr. Douglas Pritchard, Jr., Engineering Supervisor,
Environmental Engineering Department
Mr. Randolph Phelps, Senior Engineer,
Utilities Department
Assistant Fire Marshal Steve Hall, Fire and Life Safety,
Fire Department
Ms. Cynthia Owens-Bailey, Director of Planning,
School Administration

WORK SESSION

At approximately 12:00 p. m., Messrs. Gecker, Litton, Wilson, Gulley, Bass and staff met in the Executive Session Meeting Room, Chesterfield County Administration Building for lunch and a work session to discuss the following:

- A. Requests to Postpone Action, Emergency Additions or Changes in the Order of Presentation.**
- B. Review Day's Agenda.**
(NOTE: At this time, any items listed for the 3:00 p. m. and 7:00 p. m. Sessions will be discussed.)
- C. Advance Planning and Research Branch Update.**
- D. Work Program – Review and Update.**

E. Deferred Items:

- ◆ **Discussion** relative to proposed draft **Ordinance Amendment** relating to **Retaining Wall Design**.
- ◆ **Update** relative to proposed **Ordinance Amendment** to require **Conditional Use** in **C-3 District** relating to **Motor Vehicle Sales**.
- ◆ **Developer Notification** of **Pending Zoning Applications**.

F. Discussion Relative to:

- ◆ **General Assembly Update**.

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission amended the agenda to add a new Item G., Discussion of Notification relating to Conflicts of Interest.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

B. REVIEW DAY'S AGENDA.

Mr. Allen updated the Commission as to the status of, and staff's recommendation for, the requests to be considered during the Afternoon Session.

Mr. Rogers updated the Commission as to the status of, and staff's recommendation for, the upcoming caseloads and the zoning requests to be considered during the Evening Session.

Mr. Bowling updated the Commission as to the status of, and staff's recommendation for, the proposed amendment of the Matoaca Village Plan Initiative.

Mr. Schlaudt updated the Commission as to the status of, and staff's recommendation for, the draft Public Facilities Plan, which action was deferred by the Commission at their January 29, 2004 public hearing.

C. ADVANCE PLANNING AND RESEARCH BRANCH PROJECTS UPDATE.

Ms. Fassett updated the Commission as to the status of ongoing and future meetings for pending projects, including the Chester Village Plan, the Upper Swift Creek Plan and the County-wide Planning Education Project.

D. WORK PROGRAM.

Mr. Jacobson updated the Commission as to the status of the pending Southern and Western Area Plan Amendment project, noting the project was being replaced with the Rural Residential Zoning District (R-88) Review, the Visual Resources Analysis relating to the Geography of the Southern and Western Area Plan and the Winterpock Design Guidelines.

Upon conclusion of discussion relative to the Commission's Work Program, it was the consensus of the Commission to adopt their March 2004 Work Program, as outlined by Mr. Jacobson.

E. DEFERRED ITEMS:

◆ **DISCUSSION RELATIVE TO PROPOSED DRAFT ORDINANCE AMENDMENT RELATING TO RETAINING WALL DESIGN.**

Mr. Allen presented information, requested by the Commission at their January 20, 2004, work session, relative to modification of the proposed Ordinance Amendment language addressing flexibility of location and visibility of walls, noting the addition of language addressing the expansion of the scope of the proposal to include standards for pedestrian/vehicular safety requirements.

Upon conclusion of the discussion, the Commission suggested modification to the language relative to Section 19-570.1, paragraph (e) to include "and if visible to the public, decorative fencing" and requested staff present the information at the March 2004 Quarterly Developers meeting for further discussion.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission set the date of, and requested staff advertise, March 16, 2004, at 7:00 p. m., in the Public Meeting Room of the Chesterfield County Administration Building, for a public hearing to consider an Ordinance Amendment relating to retaining wall design.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

◆ **UPDATE RELATIVE TO PROPOSED ORDINANCE AMENDMENT TO REQUIRE CONDITIONAL USE IN C-3 DISTRICTS RELATING TO MOTOR VEHICLE SALES.**

Mr. Poole updated the Commission as to the status of the proposed Ordinance Amendment to require Conditional Use in C-3 Districts relating to motor vehicle sales and requested the Commission schedule a public hearing on March 16, 2004.

Upon conclusion of the discussion, it was on motion of Mr. Litton, seconded by Mr. Gulley, that the Commission set the date of, and requested staff advertise, March 16, 2004, at 7:00 p. m., in the Public Meeting Room of the Chesterfield County Administration Building, for a public hearing to consider an Ordinance Amendment to require Condition Use in C-3 Districts relating to motor vehicle sales.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

◆ **DEVELOPER NOTIFICATION OF PENDING ZONING APPLICATIONS.**

Mr. Jacobson stated, at the Commission's request, staff had reviewed the department's citizen notification procedures and was currently working with the Police Department to contact Neighborhood Watch organizations to see if they wished to be included on the civics lists. He also noted staff planned to further expand outreach efforts by incorporating other community organization lists maintained by other County departments into the department's database.

There was discussion relative to pro-active communication methods to include expansion of the current database information; exploring e-mail and Internet-based notification/communication processes; followup

telephone calls to citizens; notification of lessees/occupants as well as property owners; and other concerns.

Mr. Jacobson stated staff would explore/discuss the suggested options and provide the Commission with a final report.

F. DISCUSSION RELATIVE TO:

◆ **GENERAL ASSEMBLY UPDATE.**

Mr. Jacobson updated the Commission as to the status of various individual legislative bills and related information pending before the current session of the General Assembly.

G. DISCUSSION OF NOTIFICATION RELATING TO CONFLICTS OF INTEREST.

In response to a request from the Commission, Mr. Jacobson indicated staff would notify Commissioners via e-mail of known conflicts of interest and who would be handling the request.

RECESS.

There being no further business to come before the Commission, it was the consensus of the Commission to recess at approximately 2:37 p. m., agreeing to meet in the Public Meeting Room at 3:00 p. m. for the Afternoon Session.

3:00 P. M. AFTERNOON SESSION

Mr. Gecker, Chairman, called the Afternoon Session to order at approximately p. m. in the Public Meeting Room of the Chesterfield County Administration Building.

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

B. APPROVAL OF PLANNING COMMISSION MINUTES.

◆ **DECEMBER 16, 2003 (DEFERRED FROM 01/20/04).**

Mr. Jacobson stated that the first order of business would be the consideration of the December 16, 2003 Planning Commission minutes, deferred at the January 20, 2004 meeting.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to approve the December 16, 2003 Planning Commission minutes, with the following correction to Case 04SN0133, Gary T. and Bonnie A. Jennings:

Page 23, Add a new paragraph 10, prior to the motion, which reflects the following:

"In response to questions from Mr. Gulley, Mr. Balzer indicated the existing pond would remain and would be retrofitted to a performance BMP to meet the .22 phosphorous runoff criteria."

AYES: Messrs. Gecker, Gulley and Bass.
ABSENT: Messrs. Litton and Wilson.

◆ **JANUARY 22, 2004 SPECIAL WORK SESSION.**

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to approve the January 22, 2004 Planning Commission Special Work Session minutes, as written.

AYES: Messrs. Gecker, Gulley and Bass.
ABSENT: Messrs. Litton and Wilson.

◆ **JANUARY 29, 2004 SPECIAL WORK SESSION AND PUBLIC HEARING.**

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to approve the January 29, 2004 Planning Commission Special Work Session/Public Hearing minutes, as written.

AYES: Messrs. Gecker, Gulley and Bass.
ABSENT: Messrs. Litton and Wilson.

◆ **JANUARY 20, 2004.**

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to approve the January 20, 2004 Planning Commission minutes, with the following correction:

Pages 25 and 26, Inclusion of Proffered Conditions 1 and 2 relative to Case 01SN0149, LaVerne C. Cole, as reflected below:

"On motion of Mr. Wilson, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 01SN0149, subject to the following condition and acceptance of the following proffered conditions:

"CONDITION

"Parking spaces for any freestanding fast food restaurant shall be provided at a rate of two (2) parking spaces per 142 square feet of gross floor area, with a minimum of fifteen (15) spaces. (P)

“(NOTE: With approval of this case, Proffered Condition 1 of Case 97SN0150 is deleted.)

"PROFFERED CONDITIONS

"The property owners and applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the property under consideration will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the owners and applicant. In the event this request is denied or approved with conditions not agreed to by the owners and applicant, the proffers shall be null and void and of no further force or effect.

"1. Use Restrictions. The following uses shall not be permitted on the Property:

- a. Communications towers.
- b. Motor vehicle rental.
- c. Hospitals.
- d. Temporary outdoor Christmas tree sales.
- e. Outdoor prepared food and fruit and vegetable vendors. (P)

(NOTE: This condition supercedes Proffered Condition 2 of Case 97SN0150.)

"2. Traffic Density Limitations. The maximum density on the Property shall be 4,000 square feet of police station, 22,042 square feet of post office, 6,000 square feet of dentist and 4,750 square feet of fast food restaurant or equivalent densities as approved by the Transportation Department.

(NOTE: This conditions supercedes Proffered Condition 20 of Case 97SN0150.)

"3. Signalization. The developer of that portion of the property fronting on West Hundred Road and lying between Rock Hill Road and the main site access road, or his assignee, shall be responsible for full cost of traffic signalization, including dedication of any required right of way and construction of all necessary road improvements, at the intersection of Route 10 and the main site access road, if warranted as determined by the Transportation Department. Prior to any site plan approval, a phasing plan for these improvements shall be submitted to and approved by the Transportation Department.

In the event the developer is unable to acquire any offsite right of way necessary for such improvements, the developer may request, in writing, the County to acquire such right of way as a public road improvement. All costs associated with the acquisition of the offsite right of way shall be borne by the developer. In the event the County chooses not to assist in acquisition of offsite right of way, the developer shall be relieved of the obligation to acquire the offsite right of way, and shall only provide the road improvements and signalization that can be accommodated within available right of way as determined by the Transportation Department. (T)

"AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass."

AYES: Messrs. Gecker, Gulley and Bass.

ABSENT: Messrs. Litton and Wilson.

C. CONSIDERATION OF THE FOLLOWING REQUESTS:

♦ **DEFERRALS.**

00PR0149: In Bermuda Magisterial District, **LAVERNE C. COLE** requested deferral to August 17, 2004, of consideration for Planning Commission approval of a site plan for an approximately 2,600 square foot convenience/fast-food building, as required by Proffered Condition 18 of zoning Case 97SN0150. This project is commonly known as **COLE C'STORE**. This request lies in a Neighborhood Business (C-2) District on a 2.138 acre parcel fronting approximately 470 feet on the north line of Route 10, also fronting approximately 210 feet on the west line of Rock Hill Road. Tax ID 797-655-3409 (Sheet 26).

Mr. Derrick Johnson, the applicant's representative, requested deferral of Case 00PR0149, LaVerne C. Cole (Cole C'Store), to the August 17, 2004, Planning Commission meeting.

No one came forward to speak in favor of, or in opposition to, the request.

The following motion was made at the applicant's request.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to defer Case 00PR0149, LaVerne C. Cole (Cole C'Store), to the August 17, 2004, Planning Commission meeting.

AYES: Messrs. Gecker, Gulley and Bass.

ABSENT: Messrs. Litton and Gecker.

♦ **CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.**

04PR0181: In Midlothian Magisterial District, **CB RICHARD ELLIS** requested Planning Commission approval of a lighting plan, as required by Condition 25 of zoning Case 83S091. This development is commonly known as **BOULDERS 9 PARKING LOT**. This request lies in a Corporate Office (O-2) District on a 4.9 acre parcel lying on the west side of Beaufont Spring Drive and adjacent to Boulders VIII. Tax ID 764-709-4907 (Sheet 7).

Mr. Bruce Mason; the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Litton, the Commission resolved that approval of the lighting plan, as required by Condition 25 of zoning Case 93S091, for Case 04PR0181, CB Richard Ellis (Boulders 9 Parking Lot), shall be and it thereby was granted, subject to the following condition:

CONDITION

The mounting height of light fixtures shall not be higher than fifteen (15) feet.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

04PW0242: In Midlothian Magisterial District, **CB RICHARD ELLIS** requested Planning Commission approval of a development standards waiver to the Zoning Ordinance requirements for curb and gutter and parking lot landscaping within a parking lot. This development is commonly known as **BOULDERS 9 PARKING LOT**. This request lies in a Corporate Office (O-2) District on a 4.9 acre parcel located at the southern terminus of Beaufont Spring Drive. Tax ID 764-709-4907 (Sheet 7).

Mr. Bruce Mason; the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission, found Case 04PW0242, CB Richard Ellis (Boulders 9 Parking Lot), substantially complied with the five (5) factors of Section 19-19 of the County Code and resolved to recommend approval of a development standards waiver to the Zoning Ordinance requirements for curb and gutter and parking lot landscaping within a parking lot, subject to the following conditions:

CONDITIONS

1. Curb and gutter shall be installed for all perimeter curb and gutter and all islands within three (3) years. (P)
2. Landscape shall be installed within the parking area within three (3) years. (P)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

Since there were on-going discussions relative to Case 04PR0201, The NRP Group, L.L.C., Mr. Jacobson called Case 04PS0146, First Commonwealth Church (First Commonwealth Church Regal Center), for discussion.

♦ **CASES WHERE THE APPLICANT DID NOT ACCEPT THE RECOMMENDATION AND/OR THERE WAS PUBLIC OPPOSITION OR CONCERN.**

04PS0146: In Clover Hill Magisterial District, **FIRST COMMONWEALTH CHURCH** requested approval of an amendment to the sign package for Genito Forest Shopping Center in order to re-use the existing sign originally designed for a multi-theater complex. This development is commonly known as **FIRST COMMONWEALTH CHURCH REGAL CENTER**. This request lies in Corporate Office (O-2) and Community Business (C-3) Districts on two (2) parcels totaling 14.13 acres fronting approximately forty (40) feet on the north line of Hull Street Road, also fronting approximately 750 feet on the west line of Woodsong Drive. Tax IDs 744-684-7278 and 744-685-0909 (Sheet 10).

Mr. Robbins presented an overview of the request and staff's recommendation, noting staff did not support the request, as submitted, however, could recommended approval of an amended sign package with two (2) conditions. He distributed copies of revised conditions, submitted on February 17, 2004, suggested by Mr. Gulley, which addressed his concerns relative to shopping center identification.

Mr. Randy Fristoe; the applicant's representative, indicated the applicant was attempting to comply with the County Ordinance requirements, resolve internal church issues, satisfy the needs of the shopping center tenants and was willing to bear the costs to retain the tenants' names on the sign.

In response to questions from Mr. Gulley, Mr. Fristoe stated the revised conditions, as recommended by Mr. Gulley, were acceptable.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Gulley made a motion to recommend approval of an amendment to the sign package for Genito Forest Shopping Center to re-use the existing sign originally designed for a multi-theater complex for Case 04PS0146, First Commonwealth Church (First Commonwealth Church Regal Center), subject to the following conditions:

CONDITIONS

1. The previous sign package shall no longer apply and current Zoning Ordinance standards shall apply in regard to signage **with the exception of the freestanding sign as shown in the rendering on the attached addendum dated February 17, 2004.**
2. Building-mounted signs shall be individually mounted channel letters, with the exception of the church building, which may employ the signage as shown in the attachment.

~~(Note: Condition one (1) will require the freestanding sign in the attachment to be reduced in size to approximately 129.25 square feet, in order to comply with the Sign Ordinance refacing requirements. For future refacing of the sign, staff recommends the sign be constructed to ninety nine (99) square feet in order to be less than a 100% increase above the Ordinance requirement of fifty (50) square feet for the freestanding sign.)~~

There was discussion relative to the ramifications of exempting the sign in perpetuity, imposition of an additional condition which would restrict approval of the sign for the applicant only and the appropriate language to be reflected in the condition; and other concerns.

It was the consensus of the Commission to proceed to Case 04PR0201, NRP Group, L.L.C. (Grand Oaks Apartments) while staff developed the language for a new condition for Case 04PS0146.

04PR0201: In Bermuda Magisterial District, **THE NRP GROUP, L.L.C.** requested Planning Commission approval of a site plan, as required by zoning Case 03SN0119. This development is commonly known as **GRAND OAKS APARTMENTS**. This request lies in a Multifamily Residential (R-MF) District on 27 acres fronting approximately 235 feet on the north line of West Hundred Road approximately 230 feet west of Womack Road, also fronting approximately 770 feet on the west line of Womack Road approximately 200

feet north of West Hundred Road. Tax IDs 785-653-5567, 7929 and 9019; 785-654-Part of 5817 and 7621; 786-653-0382; and 786-654-0329 (Sheet 26).

Mr. Coker presented an overview of the request and staff's recommendation for approval, based on the applicant's submittal of revised Condition 1, as reflected in the Addendum, Condition 2 and Review Comments in the "Request Analysis" and the addition of Condition 3.

Mr. Alan Scott; the applicant's representative, accepted staff's recommendation.

In response to questions from the Commissioners, Mr. Scott pointed out the area where the thirty-two (32) senior living units would be located on the property; stated he was agreeable to the addition of Condition 3 providing that thirty-two (32) living units located in the northernmost part of the project would be designated as senior housing apartments and would indicate the units on the site plan; and that he would not request a buffer reduction.

Mr. Wilson stated that the addition of Condition 3 satisfied the Ordinance requirements and he felt approval of the request was appropriate.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved that approval of a site plan, as required by Proffered Condition 18 of zoning Case 03SN0119, for Case 04PR0201, NRP Group, L.L.C. (Grand Oaks Apartments), shall be and it thereby was granted, subject to the following conditions and review comments, including the addition of Condition 3:

CONDITIONS

1. "Prior to the issuance of any certificates of occupancy, the existing crossover on Route 10 located east of the Womack Road Extended intersection shall be closed and a new crossover shall be constructed, including adequate left turn lanes along both the eastbound and westbound lanes, on Route 10 at the Womack Road intersection. An access drive shall be constructed from Womack Road to the property line of the parcel identified as Tax ID 786-653-5662. The exact design and location of this access drive shall be approved by the Transportation Department. The new Route 10 crossover and access drive shall be open to traffic, as determined by the Transportation Department, prior to closing the existing crossover on Route 10." (CPC)
2. Plans shall be revised and submitted for administrative review that address the following Review Comments. (P)

REVIEW COMMENTS

1. A Virginia Department of Transportation (VDOT) land use permit for any required transportation improvements to existing VDOT maintained facilities shall be satisfactorily completed prior to the issuance of a VDOT land use permit for proposed commercial entrances and/or street connections onto the existing VDOT maintained roadway. (VDOT)

2. All the proposed access to the site from the State maintained road must be furnished with standard stop signs. (VDOT)
3. Remove the existing sign located at the proposed cross over. (VDOT)
4. Show the design vehicle turning movements at all proposed accesses and intersections of Womack Road and access road to insure the entrance has enough pavement for the design vehicle to enter the site without tracking the curb. (VDOT)
5. Clarify the method of installation of water line at the eastern most access from West Hundred Road. (VDOT)
6. All commercial entrance radii must be minimum thirty-five (35) feet. Revise the plans to reflect that. (VDOT)
7. Remove the curb and gutter radius of southeast at the intersection of Womack Road and access road to accommodate the future four (4) lane highway. (VDOT)
8. Provide cross sections (every fifty (50) foot increments) for West Hundred Road. Label "begin construction" and "end construction" at West Hundred Road. (VDOT)
9. Provide us with striping plans for the road improvements. These plans will be sent to the District Traffic Engineering Section for detail review. (Previous Comment 5, of letter dated 12/29/03) (VDOT)
10. A detailed work area protection layout, to include a construction sequencing/maintenance of traffic plan and narrative for all construction activities within state maintained right of way is a prerequisite for site plan approval and must be shown on the plans. These plans can be found in Virginia Work Area Protection Manual dated 2003. Add the new traffic note. These plans will be sent to the District Traffic Engineering Section for detail review. Comments will be provided upon the completion of such review. (VDOT)
11. Comply with the geometric comments 2,3 and 4 from the comment letter dated 12/29/03. (VDOT)
12. Add a pavement joint detail. (VDOT)
13. The minimum pavement design for Route 10 and Womack Road improvement must be eight (8) inch aggregate, six (6) inch base, three (3) inch intermediate, and one and one-half inch surface and required to be shown on the typical section. During construction, coring of the existing pavement on Route 10 will be performed to ensure that the minimum pavement design shown here is sufficient. If the existing pavement depths are greater, it will be necessary to match the existing conditions. (VDOT)
14. Provide the standard UD-4 along West Hundred Road. Add a detail. (VDOT)

15. The existing culvert under the crossover to be closed should be labeled as to be removed. (VDOT)
16. Provide the spot elevations along the radii of new crossover at West Hundred Road to insure cross culvert is not required. (VDOT)
17. The existing ditch along the median of West Hundred Road is to be regraded for positive flow. Show on the plans. (VDOT)
18. Comply with the hydraulic comment 5 from comment letter dated 12/29/03. (VDOT)
19. Proffered Condition 1 of zoning Case 03SN0119 states that prior to any final site plan approval, 100 feet of right of way on the north side of Route 10, measured from the centerline of that part of Route 10, immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. Contact Joe Duty in the Right of Way office for more information. (T)
20. Proffered Condition 5 of zoning Case 03SN0119 states that prior to any site plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 4, shall be submitted to and approved by the Transportation Department.

The note that was added to Sheet 1 addresses this proffer; however, not all improvements are shown. Proffered Condition 4.d requires construction of adequate left turn lanes at the existing crossovers on Route 10 located just east and west of the Womack Road extended intersection, unless otherwise approved by the Planning Commission. If a new crossover is constructed at the Womack Road intersection as shown on the plans, then the crossover to the east should be closed prior to opening the new one (1).

Proffered Condition 4.g. requires construction of additional pavement along Womack Road Extended at the approved access to provide left and right turn lanes, if warranted. Based on Transportation Department standards, a left turn lane into the site is warranted.

Proffered Condition 4.h. requires replacement of any of the existing trees in the median of Route 10 that are removed by construction of the road improvements as described in Proffered Condition 4.d.. Two (2) replacement trees shall be installed for every existing tree that is removed. Unless otherwise approved by the transportation department, replacement trees shall be 1) installed in the Route 10 median, east and/or west of the Womack Road Extended intersection; 2) shall have a minimum of three (3) inch caliper; and 3) be from the list of approved plantings by the Virginia Department of Transportation. The exact species, size and location shall be approved by the Transportation Department. (T)

21. Prior to issuance of a Certificate of Occupancy, Womack Road from Route 10 to the site entrance must be accepted by VDOT. (T)
22. Prior to issuance of a building permit, a bond must be posted for construction of Womack Road Extended. (T)

23. Proffered Condition 9 of zoning Case 03SN0119 states that prior to any site plan approval, an access easement, acceptable to the Planning and Transportation Departments, shall be recorded from Womack Road Extended, across the property, to adjacent properties to the north. (T)
24. The 500 foot radii shown on the plans for the extension of Womack Road do not meet VDOT design standards for an urban minor arterial (fifty (50) mph). The radii should be a minimum of 955 feet. (T)
25. Provide a fire hydrant within fifty (50) feet of the various fire department connections. Based on the resubmitted plans the distance from a fire hydrant to the Fire Department connection averages in excess of 120 feet in a straight line, not the path of travel for the fire apparatus. The comment is repeated from the previous review. (F)
26. On Sheet 8.1, change the reference from ISO to IFC. Minimum required fire flows are 1,500 gpm. The loose memo was received and acknowledged. Show the water analysis on the revised plan at the time of the next submission. (F)
27. Recordation of the off-site sewer easement is required for site plan approval. (U)
28. Sizing forms for all services are required. (U)
29. Show two (2) to ten (10) foot temporary construction easements on each easement for future sewer except at Manhole 24. (U)
30. Manhole 17 cannot serve as a monitoring manhole because it is a line manhole. You will have to show one (1) between the south edge of the building and the storm line, and shift the lateral downstream from Manhole 17. (U)
31. Show a radius on the waterline at two (2) places in front of Building 13. (U)
32. The termination of the eight (8) inch waterline in Womack Road must be shown on the plan. (U)
33. Make a revision to the lowering detail per the faxed drawing. (U)
34. If the assumed sprinkler flow for each two (2) inch fire line is correct at 200 gpm, friction losses in the two (2) inch line and interior pipes may be too great. If a larger fire line is needed, an outside double check assembly is required. (U)
35. Provide the pool backwash filter pump data and sewer lateral analysis from the first review. (U)
36. Two (2) inch fire lines of over 100 feet from the main to the building require an outside double check assembly (FIR-2). (U)

37. Crown-matching is required at the connection to the existing eighteen (18) inch sewer. Adjust the first two (2) runs of sewer. (U)
38. A portion of the Perdue Lumber Subdivision (5670.01) must be vacated. Parcels 785-654-5817, 785-654-7621 and 786-654-0329 are in this subdivision. (EE)
39. It is the responsibility of the applicant to comply with and/or acquire all applicable federal and/or State permits in relationship to environmental features including but not limited to "Wetlands, surface waters (e.g. VPDES permit for construction sites of one (1) acres or more), ground water and air quality". Final approval of these plans will not relieve you of your responsibility. Wetlands documentation must be received by this department prior to issuance of the land disturbance permit. (EE)
40. Show top of wall/bottom of wall spot elevations for the proposed retaining walls on the grading plan sheets. If the walls are over three (3) feet in height, safety measures must be provided. (EE)
41. A VDOT standard endwall is required on all multi line structures, structures with diameters greater than thirty (30) inches, and when the structure is proposed on a slope of fifteen (15) percent or greater. Address for Structure 24.d. in the storm sewer schedule and the profile. (EE)
42. Establish the 100 year floodplain along the northwest side of the site. (EE)
43. Provide MC-3A across the entrances to the former location of Buildings 21 through 25 on the northeast side of the site. (EE)
44. Replace the curb cut to the south of Building 7 with a drop inlet and storm sewer. (EE)
45. Address the installation of Structures 71 through 73 (which are now re-aligned from the previous submittal) in the intermediate erosion control narrative. This run of storm sewer must be operational prior to demolishing the existing storm sewer at this location along Route 10. (EE)
46. A MS-19 analysis must be performed at each point of concentrated discharge and at the downstream property line. Address downstream of Structure 81 (formerly 74). A field-taken cross-section must be provided and the roughness coefficient must be calculated per the Virginia Erosion and Sediment Control Handbook. (EE)
47. All SWM/BMP facilities which are more than four (4) feet in depth or more than one (1) acre feet in surface area must provide both a safety bench and an aquatic bench, or be enclosed within a six (6) foot high perimeter fence. A gate must also be provided which aligns with the twenty (20) foot access easement. The fence must be off-set on top of the embankment to allow room for construction equipment to maneuver. (EE)

48. A fifty (50) foot vegetative perimeter yard is required around the basin measured from the 100 year water surface elevation or the downstream toe of dam, whichever applies. This area must be included within the limits of the SWM/BMP easement. (EE)
49. Please re-submit the exception letter for the BMP perimeter yard and six (6) foot high fence requirements with supporting documentation and details with the next plan submittal. (EE)
50. Perforations in the riser must be precast, not field made. Add a note to the riser detail. (EE)
51. Permission must be obtained from the adjacent property owner(s) allowing for grading on the property as proposed prior to issuance of a land disturbance permit. (Uphoff property as shown on Sheet C5.2) (EE)
52. The name, "walk-in address", and telephone number of a local registered agent representing the owner for service of process must be provided prior to issuance of a land disturbance permit. (EE)
53. All onsite drainage easements including Stormwater/BMP drainage easements must be recorded prior to issuance of a building permit for this project. (EE)
54. The Stormwater/BMP facility must be certified by a professional engineer prior to issuance of any occupancy certificates. (EE)
55. The riser and barrel pipe associated with the sediment basin must be on-site prior to issuance of a land disturbance permit. (EE)
56. Prior to issuance of a land disturbance permit, a diskette/CD, the format of which shall be AUTOCAD.dwg or dxf, must be submitted to Virginia Barbour of Environmental Engineering. The diskette/CD must contain the following, each in a separate layer:
 - a. Final grading contour lines (five (5) foot intervals);
 - b. Proposed building footprint;
 - c. All impervious area (parking lots, driveways, roads, etc); and
 - d. The storm sewer system.

A layer report printed from AUTOCAD must be submitted with the diskette/CD. Both the diskette/CD and the report must be labeled with the site plan name, site plan number, and the engineering firm. All AUTOCAD files must be referenced directly to the Virginia State Plane Coordinate System, South Zone, in the NAD83 datum. (EE)

57. A land disturbance permit is required for this project and the following are required prior to its issuance:
 - a. Substantial or full site plan approval
 - b. A VDOT land use permit

- c. A letter must be received from a qualified wetlands expert stating:
 - 1. There are no wetlands impacted on this project, or
 - 2. All applicable federal and state wetland permits have been acquired (copies of the permits must be submitted) (EE)
- 58. Put a revision date on the resubmitted plans. Resubmit twelve (12) full sets and one (1) copy of the site plan sheet to the planning department for your next review. Use the spaces below each comment to describe how you have addressed each review comment. Be sure to indicate which sheets show the required changes. Provide a transmittal letter to describe any changes to the plans not caused by the staff review comments. A review fee of \$480.00 applies for each additional review. (P)
- 59. Per previous Comment 10, provide approval from Parks and Recreation for the walk to the park. (P)
- 60. As a reminder, prior to release of building permit, payment must be made per Proffered Condition 16. (P)
- 61. Provide text within the architectural drawings that all units have connections for washers and driers. (P)
- 62. Per previous Comment 30, a durable sign up to six (6) square feet must be provided on the dumpster gate stating "No service between 9pm-6am". Provide detail of sign and placement on gate. (P)
- 63. As a reminder, prior to Planning Commission site plan approval, an access agreement acceptable to the Planning and Transportation Departments, must be recorded from Womack Road to the property to the north. (P)
- 64. Per previous Comment 33, provide two (2) copies of an irrigation/hose bib plan that shows that all required planting is either irrigated or within 100 feet of a hose bib. Hose bibs should be shown on the landscape plan. Make sure that the water information is included on the Utility Department meter sizing forms. Show all connections to the water line. (P)
- 65. Per previous Comment 34, provide architectural elevations for the gazebo. (P)
- 66. Provide a completed license agreement from Chesterfield County for the access across Chesterfield County property (Chester Linear Park). (P)
- 67. Per previous Comment 52 of first review, show the existing power poles that will be relocated and the new locations, including the overhead power line locations. (P)
- 68. The revised architectural elevations require additional information, such as siding colors and roof shingles (should be dimensional shingles), and additional brick or details to meet the architectural style per the proffered condition. Provide details of common elements

such as columns and brackets. Provide partial elevations or text explanations of areas not shown in the elevations provided to provide information for inside corners. (P)

69. Some of the architectural elevations do not appear to match the floor plans. As an example the rear elevation indicates four (4) columns on building type one (1) that do not seem to be indicated on the floor plans. A roof line and gable end are not indicated in the side/courtyard elevation. Revise. (P)
 70. The required planting for the setback along Womack Road must be distributed along the setback and not concentrated at the sign. Revise the plan to distribute the planting within the setback. (P)
 71. Since plant requirements for buffers and setbacks are being met with existing plants, provide a note on the landscape plan indicating that upon completion of grading, an on-site meeting will be held to inspect existing trees and required densities to determine additional planting for the buffers and setbacks. The owner will confirm a date and time with the Planning Department Site Plan Team representative. (P)
 72. The plan labels trees in the north buffer but does not show the tree locations. Tree locations, if required, will be determined at time of on-site review. (P)
 73. The revised plans deleted more plants from the BMP than needed as an amenity. While trees may not be planted on the dam, small shrubs may be used. Provide additional planting between the buildings and the BMP. Consider use of a small fountain or other method to maintain water quality. (P)
 74. The plant label "LM" shown on the Route 10 Planting Plan on Sheet I1.0 does not match a tree in the plant schedule. Correct. (P)
 75. Revisions to the Route 10 planting plan may be required upon review by VDOT or due to final resolution of final road configuration. (P)
 76. Per previous Comment 17 of first review, show the top of wall elevations on the grading plan (P)
 77. Per previous Comment 19 of first review, provide color and materials for the sectional retaining walls for architectural review. (P)
3. Revise thirty-two (32) living units located in the northern most part of the project to be senior housing apartments and indicate these on the site plan. The location of the senior housing apartments may be relocated with site plan approval of the second phase of this project. (CPC)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

Mr. Jacobson recalled Case 04PS0146, First Commonwealth Church (First Commonwealth Church Regal Center).

04PS0146: In Clover Hill Magisterial District, **FIRST COMMONWEALTH CHURCH** requested approval of an amendment to the sign package for Genito Forest Shopping Center in order to re-use the existing sign originally designed for a multi-theater complex. This development is commonly known as **FIRST COMMONWEALTH CHURCH REGAL CENTER**. This request lies in Corporate Office (O-2) and Community Business (C-3) Districts on two (2) parcels totaling 14.13 acres fronting approximately forty (40) feet on the north line of Hull Street Road, also fronting approximately 750 feet on the west line of Woodsong Drive. Tax IDs 744-684-7278 and 744-685-0909 (Sheet 10).

Mr. Robbins distributed copies of revised language addressing concerns relative to the perpetuity of the size exception to the sign.

There was discussion relative to the language of the condition, at which time several modifications were suggested and there was general consensus to accept the conditions as revised.

On motion of Mr. Gulley seconded by Mr. Litton, the Commission resolved that approval for amendment to the sign package to re-use the existing sign originally designed for a multi-theater complex, for Case 04PS0146, First Commonwealth Church (First Commonwealth Church Regal Center), shall be and it thereby was granted, subject to the following conditions:

CONDITIONS

1. The previous sign package shall no longer apply, and current Zoning ordinance standards shall apply in regards to signage.
2. The freestanding sign as shown in the rendering on the attached addendum dated February 17, 2004 shall be approved for the applicant only.
3. Building-mounted signs shall be individually mounted channel letters, with the exception of the church building, which may employ signage as shown in the attachment.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

D. FIELD TRIP AND DINNER.

♦ **FIELD TRIP SITE SELECTION.**

The Commission agreed to forego their Field Trip Agenda to visit requests sites.

♦ **DINNER LOCATION.**

It was the consensus of the Commission to meet for dinner at John Howlett's Tavern.

E. ADJOURNMENT.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission adjourned the Afternoon Session at approximately 3:29 p. m., agreeing to meet at 5:00 p. m. for dinner at John Howlett's Tavern.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

During dinner, there was discussion pertaining to various rezoning and Conditional Use request sites.

7:00 P. M. EVENING SESSION

At approximately 7:00 p. m., Mr. Gecker, Chairman, called the Evening Session to order.

A. INVOCATION.

Mr. Wilson presented the invocation.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.

Mr. Fred Moore led the Pledge of Allegiance to the Flag.

C. REVIEW MEETING PROCEDURES.

Mr. Jacobson apprised the Commission of the agenda for the next two (2) months, noting the March 16, 2004, agenda was comprised of nine (9) cases and the April 20, 2004, agenda had a total of ten (10) cases.

D. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

E. CONSIDERATION OF THE FOLLOWING REQUESTS:

♦ REQUESTS FOR DEFERRAL BY APPLICANTS.

02SN0238: In Matoaca Magisterial District, **DOUGLAS R. SOWERS** requested deferral to April 20, 2004, of consideration for amendment to Conditional Use Planned Development (Case 88S008) and amendment of zoning district map on part of property which is commonly known as Greenspring's A. E. Howard tract. Specifically, the applicant desires to develop this 136.3 acre tract as a single development from the originally-zoned 1,312.7 acre tract. In general, amendments are requested relative to the approved Master Plan, historic structures, provision of a golf course, road improvements, land dedications and reservations, utilities, drainage, erosion and water quality. A mixed use development consisting of residential, office and commercial uses is planned. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use and single family residential use of 2.0 units per acre or less. This request lies in Residential (R-9) and Corporate Office (O-2) Districts on 136.3 acres fronting approximately 1,200 feet on the east line of Otterdale Road, approximately 2,900 feet south of Gamecock Road. Tax ID 718-691-6889 (Sheet 9).

Mr. Jim Theobald, the applicant's representative, requested deferral of Case 02SN0238 to the April 20, 2004,

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Litton, the Commission resolved to defer Case 02SN0238 to the April 20, 2004, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

03SN0316: In Midlothian Magisterial District, **JAMES DORAN CO.** requested deferral to April 20, 2004, of consideration for rezoning and amendment of zoning district map from Agricultural (A), Community Business (C-3) and General Business (C-5) to Community Business (C-3) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for suburban commercial and planned transitional uses. This request lies on 33.9 acres fronting approximately 1,400 feet on the north line of Midlothian Turnpike approximately 400 feet west of Winterfield Road, also fronting approximately 900 feet on the west line of Winterfield Road approximately 550 feet north of Midlothian Turnpike. Tax IDs 724-709-2311, 2528, 4210, 5831, 6911, 7661 and 9121; and 725-709-1125 (Sheet 5).

Mr. William Shewmake, the applicant's representative, requested deferral of Case 03SN0316 to the April 20, 2004, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to defer Case 03SN0316 to the April 20, 2004, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

04SN0187: In Midlothian Magisterial District, **MICHAEL D. SIFEN, INC.** requested deferral to March 16, 2004, of consideration for rezoning and amendment of zoning district map from Agricultural (A) to General Business (C-5). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor and general commercial use. This request lies on 10.9 acres fronting approximately 150 feet on the north line of Hull Street Road approximately 430 feet east of Turner Road, also fronting approximately 400 feet on the east line of Turner Road approximately 300 feet north of Hull Street Road. Tax ID 765-698-Part of 8303 (Sheets 7 and 11).

Mr. Jim Theobald, the applicant's representative, requested deferral to the March 16, 2004, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to defer Case 04SN0187 to the March 16, 2004, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

◆ **REQUEST FOR DEFERRAL BY INDIVIDUAL PLANNING COMMISSIONER.**

04SN0170: In Bermuda Magisterial District, **HENRY D. MOORE AND KENNETH R. TURNER** requested rezoning and amendment of zoning district map from Agricultural (A) and Neighborhood Business (C-2) to Residential (R-25) and Neighborhood Office (O-1). Residential use of up to 1.74 units per acre is permitted in a Residential (R-25) District. The density of the O-1 portion will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 1.01 to 2.5 units per acre. This request lies on 73.3 acres fronting approximately 425 feet on the south line of West Hundred Road approximately 970 feet south of Iron Bridge Road. Tax IDs 784-650-Part of 4858, 784-651-5555 and 785-651-1613 (Sheets 26 and 34).

Mr. Dean Hawkins, the applicant's representative, indicated deferral of Case 04SN0170 by Mr. Wilson was acceptable.

There was no opposition to the deferral.

The following motion was made at Mr. Wilson's request.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission, on their own motion, resolved to defer Case 04SN0170 to the March 16, 2004, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

◆ **REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.**

04SN0188: In Midlothian Magisterial District, **GOODE LAND DEVELOPMENT CO.** requested amendment to Conditional Use Planned Development (Case 00SN0188) and amendment of zoning district map relative to uses and to limitation of size of commercial uses. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office use. This request lies in a Corporate Office (O-2) District on 0.8 acre fronting approximately 140 feet on the west line of Alverser Drive, also fronting approximately 250 feet on the north line of Old Buckingham Road and located in the northwest quadrant of the intersections of these roads. Tax ID 739-710-2628 (Sheet 6).

Mr. Reade Goode, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 04SN0188 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Permitted uses shall include those uses permitted by right or with restrictions in the Corporate Office (O-2) District, plus those permitted by right or with restrictions in the Convenience Business (C-1) District, except that the following uses shall not be permitted:
 - a. Convenience store.
 - b. Grocery store.
 - c. Gasoline sales.
 - d. Funeral homes or mortuaries.
 - e. Messenger or telegraph services.
 - f. Post offices, limited to federal post offices.
 - g. Telephone exchanges.
 - h. Public or private parks, playgrounds, and/or athletic fields.
 - i. Public or private utility uses.
 - j. Coin operated dry-cleaning; pressing; laundry and Laundromat; not to include dry cleaning plants.
 - k. Nursery schools and child or adult daycare centers and kindergartens.
 - l. Motor vehicle accessory store.
 - m. Intercoms as an accessory to a permitted use.
 - n. Libraries.
 - o. Propagation and cultivation of crops, flowers, trees and shrubs which are not offered for sale.
 - p. Public and private forests, wildlife preserves and conservation areas.
 - q. Fire Stations.
 - r. Golf courses; and
 - s. Hospitals.

In addition, the following Neighborhood Business (C-2) uses shall be permitted:

- a. Antique shops, not to include pawnbrokers, indoor and outdoor flea markets and secondhand and consignment stores.
- b. Art schools, galleries or museums.
- c. Artists material and supply stores.
- d. Bicycle sales and rentals.
- e. Catering establishments as an accessory to restaurant only.
- f. Clothing stores.
- g. Communication studios, offices, and stations, exclusive of towers.
- h. Curio or gift shops.
- i. Eyewear sales and service.
- j. Furniture stores.
- k. Hobby stores.
- l. Locksmith operations.
- m. Medical facilities or clinics.

- n. Musical instrument stores.
- o. Office supply stores.
- p. Paint and wallpaper stores.
- q. Radio, television and other home entertainment, sales and services.
- r. Sporting goods sales.
- s. Retail wine and cheese sales.
- t. Restaurants, to include carry-out and non-traditional fast food restaurants, subject to the following provisions:
 - i) any carry-out or fast food restaurant shall have a minimum 35% of the gross square feet devoted to indoor patron seating not to exceed 1500 gross square feet;
 - ii) any restaurant shall have a maximum of 1500 gross square feet devoted to indoor patron seating;
 - iii) there shall be no drive-in window or curb service;
 - iv) consumption of foods or beverages within a motor vehicle parked upon the premises or at other facilities on the premises outside the building, except as stated herein, shall be prohibited and such prohibition shall be strictly enforced by the restaurant. This shall not preclude the restaurant from having outdoor seating provided the outdoor seating area is located directly adjacent to the restaurant; accessed through the restaurant only and not directly from outside and an area has been designed and constructed to specifically accommodate such seating.
 - v) any carry-out or fast food restaurant shall not be freestanding;
 - vi) the restaurant shall not be open to the public between the hours of 11:00 p.m. and 6:30 a.m. (P)

(Note: This Proffered Condition supercedes Proffered Condition 8 of Case 00SN0188 for the subject property only. All other proffered conditions of Case 00SN0188 remain applicable.)

2. The total area of commercial uses, as permitted by Proffered Condition 1, shall not exceed 27,000 gross square feet, and no building shall exceed 15,000 gross square feet. (P)

(Note: This Proffered Condition supercedes Proffered Condition 9 of Case 00SN0188 for the subject property only. All other proffered conditions of Case 00SN0188 remain applicable.)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

04SN0197: In Bermuda Magisterial District, **RIVER'S BEND EAST, LLC** requested rezoning and amendment of zoning district map from Agricultural (A) and General Industrial (I-2) to Residential (R-12) with Conditional Use Planned Development to permit recreation and limited commercial uses. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for light industrial and residential use of 1.5 units per acre or less. This request lies on 347.8 acres fronting approximately 7,700 feet on the south line of James River, also fronting approximately 1,700 feet on the north line of Meadowville Road at North Enon Church Road. Tax IDs 822-661-Part of 2045; 825-660-9979; 825-661-6811; 826-661-8420 and 827-662-2285 (Sheets 27 and 28).

Mr. Oliver D. "Skitch" Rudy, the applicant's representative, accepted staff's recommendation, including the Addendum.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 04SN0197 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The Owners-Applicants in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the properties known as Chesterfield County Tax ID Numbers 822-661-2045-00000, 825-661-6811-00000, 826-661-8420-00000 and 825-660-9979-00000 and 827-662-2285-00000(the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning requests for R-12 with Conditional Use Plan Development as set forth in the above heading and the application filed herein is granted. In the event the request is denied or approved with conditions not agreed to by the Owners-Applicants, these proffers and conditions shall be immediately null and void and of no further force or effect.

1. Timbering. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
2. The public water and wastewater systems shall be used. (U)
3. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of each building permit for infrastructure improvements within the service district for the property.
 - A. The amount approved by the Board of Supervisors not to exceed \$9000.00 per dwelling unit adjusted upward by any increase in the Marshall Swift Building cost index between July 1, 2003, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2003.
 - B. Provided however that if any building permits issued on the property are for senior housing, the units of which meet the occupancy requirements for age "55 or over" housing as set forth in Section 3607 of the Fair Housing Act, 42 USC Section 3601 et seq., as amended by the Fair Housing Amendments Act of 1988, and of 24 CFR Section 100.304 in effect as of the date of the Rezoning, and which are subject to the occupancy requirements that no person under 19 shall reside in such unit, the amount approved by the Board of Supervisors, but not to exceed \$4,815 per dwelling unit as adjusted upward by any increase in the Marshall and Swift Building Costs Index between July 1, 2003, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2003. At the time of payment, the

\$4,815 will be allocated pro-rata among the facility costs as follows: \$598 for parks and recreation, \$325 for library facilities; \$3547 for roads, and \$346 for fire stations. Payments in excess of \$4815 shall be prorated as set forth above.

- C. Provided further, the cash proffer payment for the initial 130 units shall be reduced by the transportation component (\$3,547 as adjusted in Proffered Condition 3.A.) for the improvements described in proffered Condition 8.c.i. and performed by the Developer, subdivider or assignee. After 130 units or if the Developer, subdivider or assignee does not construct the improvements described in Proffered Condition 8.c.i. as determined by the Transportation Department, the Developer, subdivider or assignee shall commence paying cash proffers in accordance with Proffered Conditions 3.A. and B.
- D. If any of the Cash proffers are not expended for the purpose designated by the Improvements Program within fifteen (15) years from the date of payment, they shall be returned in full to the payor. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees, in a manner determined by the County. (B&M,T)

4. Residential (R-25)

All lots in Tract 2 as shown on Exhibit "A" shall have a minimum lot area of 25,000 square feet. (P)

5. Residential (R-15)

All lots in Tract 1 as shown on Exhibit "A" shall have a minimum lot area of 15,000 square feet. (P)

6. Density. The total number of single family residential units allowed on the Property shall not exceed 400 units. (P)

7. Recreation/Commercial Areas. At the election of the developer, active and passive recreation areas may be provided. These areas shall be limited to a maximum cumulative total of twenty-five (25) acres.

(A) Within the area designated as proposed recreation site and future river features on Exhibit "A", the Applicant may provide marina facilities, including a restaurant, ramps, boat storage, convenience sales , not limited to the sale of gasoline and other products relating to marine activity. Such development shall conform to Emerging Growth District Standards for C-2 Districts.

(B) Within the area designated proposed clubhouse site the following uses shall be permitted:

- (1) Indoor and outdoor recreational uses subject to the following:
 - a) a fifty (50) foot buffer shall be provided along the perimeter of all active recreational facilities, except where adjacent to any existing or proposed road or waterfront.
 - b) Outdoor playfields, courts, swimming pools and similar active recreational areas shall be set back a minimum of 100 feet from any proposed or existing single family residential lot line and a minimum of fifty (50) feet from any existing or proposed public road. Nothing herein shall prevent the development of any indoor facilities and/or parking within the 100 foot setback.
- (2) Restaurant. Such development shall confirm to Emerging Growth District Standards for C-2 Districts.
- (C) Indoor and outdoor recreational uses are permitted within all tracts subject to the restrictions outlined in (b) (1). (P)

8. To provide an adequate roadway system, the developer shall be responsible for the following improvements:

- (a) Widening/improving on the north side of Meadowville Road west of North Enon Church Road to provide an eleven (11) foot wide travel lane, measured from the centerline of the road, with an additional one (1) foot wide paved shoulder and a seven (7) foot wide unpaved shoulder, with modifications approved by the Transportation Department, for the entire property frontage.
- (b) Construction of additional pavement along Meadowville Road west of North Enon Church Road at each approved access to provide left and right turn lanes, if warranted, based on Transportation Department Standards.
- (c) (i) Construction of a new relocated Meadowville Road, to include a twenty-four (24) foot wide pavement section and six (6) foot wide shoulders with modifications approved by the Transportation Department, from approximately 3,500 feet east of I-295 to the southern boundary of the property (a distance of approximately 2,000 feet). The exact length and alignment of this improvement shall be approved by the Transportation Department.

OR

- (ii) Reconstruction of existing Meadowville Road to provide two (2) eleven (11) foot wide travel lanes with additional one (1) foot wide paved shoulders and give (5) foot wide unpaved shoulders, with modifications approved by the Transportation Department, from approximately 0.8 mile east of I-295 to the southern boundary of the property (a distance of

approximately 1,200 feet). The exact length of this improvement shall be approved by the Transportation Department.

- (d) Dedication to and for the benefit of Chesterfield County, free and unrestricted, of any additional right-of-way (or easement) required for the improvements identified above. (T)
- 9. Prior to any construction plan approval, a phasing plan of the required road improvements identified in Proffered Condition 8 shall be submitted to and approved by the Transportation Department. The approved phasing plan shall require that the road improvements outlined in Proffered Condition 8.c. to be completed as determined by the Transportation Department prior to the recordation of more than a cumulative total of fifty (50) lots or one (1) year from the date of recordation of the initial subdivision plat, whichever occurs first. (T)
- 10. Direct access from the property to Meadowville Road west of Enon Church Road shall be limited to three (3) public roads. The exact location of these accesses shall be approved by the Transportation Department. (T)
- 11. In conjunction with recordation of the initial subdivision plat, thirty-five (35) feet of right-of-way along the north side of Meadowville Road west of North Enon Church Road, measured from the centerline of that part of Meadowville Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
- 12. A 100 foot buffer shall be provided along western boundary as shown on Exhibit A. This buffer shall be located in common open space and shall comply with the requirements of the Zoning Ordinance for 100 foot buffers, Sections 19-520, 19-521(a) through (g) and 19-522. (P)
- 13. Subdivision plats shall include notes informing future property owners within the development of anticipated industrial development in the area. (P)
- 14. A Tree Save Area shall be established which shall extend along the steep slopes of the James River and 10' back from the crest of the hill. It is the intent of this proffer to: (1) protect the overall forest canopy along the steep slopes, by prohibiting, subject to the below conditions, the removal of trees on said steep slopes; (2) allow the removal of trees below the steep slopes at the discretion of the developer, his heirs, successors and assigns; (3) allow, even within the tree protection zone, (a) the removal of trees and/or brush being less than 6 inches in diameter, (b) the removal of dead and/or diseased trees or diseased limbs of trees; and/or (c) the removal of limbs of trees in the tree protection zone ("limbing up") in order to provide for scenic vistas from home sites located within the development located along the banks of the James River. The exact location of all tree save area shall be established at the time of tentative subdivision review.

It is the further intent of this proffer to protect the forest canopy on the steep slopes of the James River as it meanders by the development so as to preserve its view from the river,

but allow the developer, its heirs and/or successors and/or assigns to remove and trim trees in order to provide scenic view of the river from the lots to be developed and sold along the river bank. (P)

15. Areas Along Roads. A fifty (50) foot area north of Meadowville Road as required by Section 17-70 of the Subdivision Ordinance shall be maintained by the homeowners association. (P)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

03SN0307: In Matoaca Magisterial District, **DOUGLAS R. SOWERS** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of up to 2.2 units per acre. This request lies on 98.7 acres fronting approximately 320 feet on the north line of Hensley Road approximately 2,600 feet west of N. Donegal Road, also fronting approximately 1,850 feet on the south line of Spring Run Road, measured from Bailey Bridge Road. Tax ID 730-663-3520 (Sheet 24).

Mr. Oliver D. "Skitch" Rudy, the applicant's representative, accepted staff's recommendation, including Addendums I and II.

Mr. Gecker opened the discussion for public comment.

Ms. Christie Martin, an area resident, voiced support for the request, based on the applicant's proffered condition that no direct access from the property to Hensley Road would be permitted.

There being no one else to speak, Mr. Gecker closed the public comment.

On motion of Mr. Bass, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 03SN0307, subject to the following condition and acceptance of the following proffered conditions, including the Addendums:

CONDITION

With the exception of B.1.n., the Textual Statement dated January 23, 2004, shall be considered the Master Plan. (P)

PROFFERED CONDITIONS

The Owners-Applicants in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the property known as Chesterfield County Tax ID 730-663-3520-00000 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for R-12 is granted. In the event the request is denied or approved with conditions not agreed to by the Owners-Applicants, these proffers and conditions shall be immediately null and void and of no further force or effect.

1.
 - (a) Timbering. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed.
 - (b) To ensure the existing culvert under Spring Run Road remains adequate for the entire drainage area, the developer shall do one of the following:
 - (i) retain water onsite so the existing culvert meets current VDOT criteria for the upstream drainage area; or
 - (ii) upgrade the existing culvert to meet current VDOT criteria for the upstream area; or
 - (iii) a combination of (i) and (ii). (EE)
2. The public water and wastewater systems shall be used. (U)
3. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of each building permit for infrastructure improvements within the service district for the property:
 - A. \$9,000.00 per dwelling unit, if paid prior to July 1, 2003; or
 - B. The amount approved by the Board of Supervisors not to exceed \$9,000.00 per dwelling unit adjusted upward by any increase in the Marshall Swift building cost index between July 1, 2002, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2003.
 - C. Provided, however, that if any building permits issued on the property are for senior housing, the units of which meet the occupancy requirements for "age 55 or over" housing as set forth in Section 3607 of the Fair Housing Act, 42 USC Section 3601 et seq., as amended by the Fair Housing Amendments Act of 1988, and of 24 CFR Section 100.304 in effect as of the date of the Rezoning, and which are subject to the occupancy requirements that no person under 19 shall reside in such unit, the amount approved by the Board of Supervisors, but not to exceed \$4,815 per dwelling unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2003 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2003. At the time of payment, the \$4,815 will be allocated pro-rata among the facility costs as follows: \$598 for parks and recreation, \$324 for library facilities, \$3,547 for roads, and \$346 for fire stations. Payments in excess of \$4,815 shall be prorated as set forth above.

- D. Provided further, at the option of the Transportation Department, the cash proffer payment may be reduced by the transportation component (\$3,547 as adjusted in Proffered Condition 3.A.) for improvements performed by the Developer, subdivider or assignee to Spring Run Road to provide twenty-four (24) foot wide pavement with seven (7) foot wide shoulders with modifications approved by the Transportation Department, from approximately 500 feet east of Bailey Bridge Road eastward for a distance of approximately 2,000 feet (the "Spring Run Road improvements"). The exact length and design of this improvement shall be approved by the Transportation Department. The Developer, subdivider or assignee payment shall be reduced by the transportation component for the Spring Run Road improvements for: 1) the initial seventy-seven (77) dwelling units, if the roadway is widened with an asphalt overlay; or 2) an equivalent number of units for the construction cost, as determined by the Transportation Department, if the roadway is realigned and reconstructed. The Spring Run Road improvements shall be completed as determined by the Transportation Department prior to the recordation of more than a cumulative total of fifty (50) dwelling units or one (1) year from the date of recordation of the initial subdivision plat, whichever occurs first.

Prior to issuance of building permits for those dwelling units in excess of those dwelling units credited above, or if the Developer, subdivider or assignee does not construct the improvements described above as determined by the Transportation Department, the Developer, subdivider or assignee shall commence paying cash proffers in accordance with Proffered Conditions 3.A., B. and C., herein.

- E. If any of the Cash proffers are not expended for the purpose designated by the Capital Improvements Program within fifteen (15) years from the date of payment, they shall be returned in full to the payor. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees, in a manner determined by the County. (B&M and T)

4. Density. The total number of residential units shall not exceed 2.2 units per acre. (P)

5. Transportation.

- (a) In conjunction with recordation of the initial subdivision plat, forty-five (45) feet of right-of-way along the south side of Spring Run Road, measured from the revised centerline based on VDOT Urban Minor Arterial Standards (50 mph) with modifications approved by the Transportation Department, of that part of Spring Run Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County.
- (b) To provide an adequate roadway system, the developer shall be responsible for the following improvements:

- (i) Construction of additional pavement along North Hensley Road at the approved accesses to provided left and right turn lanes, if warranted, based on Transportation Department standards.
 - (ii) Widening/improving the south side of Spring Run Road to an eleven (11) foot wide travel lane, measured from the centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, with modifications approved by the Transportation Department, for the entire property frontage.
 - (c) Dedication to and for the benefit of Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above.
 - (d) Prior to any construction plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition No. 5, shall be submitted to and approved by the Transportation Department.
 - (e) No direct access, except for an emergency access, shall be provided from the property to Hensley Road.
 - (f) No direct access, except for an emergency access, shall be provided from the property to Spring Run Road.
 - (g) Direct access from the property to North Hensley Road shall be limited to two (2) public roads. The exact location of these accesses shall be approved by the Transportation Department. (T)
6. Phasing. No residential building permits shall be issued until January 1, 2006. Thereafter, a maximum of 100 residential building permits shall be issued prior to January 1, 2007, and a cumulative maximum of 200 residential building permits shall be issued prior to January 1, 2008. (P)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

◆ **CODE AMENDMENT.**



An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Sections 19-130, 19-131, 19-144 and 19-145 of the Zoning Ordinance to allow single family dwellings in "O" and "C" Districts within the Matoaca Village Core Village Commercial Area and the Ettrick Village Core Village Commercial Area.



Mr. Bowling presented an overview of the proposed Code Amendment and staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the proposal.

On motion of Mr. Bass, seconded by Mr. Litton, the Commission resolved to recommend approval of the following Code Amendment:

(1) *That Sections 19-131 and 19-144 of the Code of the County of Chesterfield, 1997, as amended, are amended and re-enacted to read as follows:*

DIVISION 16. O-1 NEIGHBORHOOD OFFICE DISTRICT

0 0 0

Sec. 19-131. Uses permitted with certain restrictions.

The following uses shall be permitted in the O-1 District subject to compliance with the following conditions and other applicable standards of this chapter. If the following restrictions cannot be met, these uses may be allowed by conditional use, subject to section 19-13:

0 0 0

(i) Single-family dwellings, provided that:

(1) The dwellings are located in the Ettrick Village Core and Matoaca Village Core village commercial areas.

(2) The dwellings are located on lots of not less than 7,000 square feet in area and not less than 50 feet in width.

These dwellings shall be exempt from Division 3, Development Requirements – Office, Commercial and Industrial, except for setback requirements, and except for architectural treatment (section 19-611).

0 0 0

DIVISION 18. C-1 CONVENIENCE BUSINESS DISTRICT

0 0 0

Sec. 19-144. Permitted uses by right.

Within any C-1 District, no buildings, structures or premises shall be used, arranged or designed to be used except for one or more of the following uses:

0 0 0

~~(m)~~ —Dwellings, single family within the Ettrick Village Core.

~~(n)~~ (m) Florist shop.

~~(o)~~ (n) Grocery store.

~~(p)~~ (o) Hardware store.

~~(q)~~ (p) Nursery schools and child or adult care centers and kindergartens.

~~(r)~~ (q) Offices.

~~(s)~~ (r) Restaurants, not including fast food or carry-out restaurants.

~~(t)~~ (s) Shoe repair shop.

~~(u)~~ (t) Shopping centers.

~~(v)~~ (u) Tailoring and dressmaking shops.

~~(w)~~ (v) Massage clinics.

~~(x)~~ (w) Underground utility uses when such uses are located in easements or in public road rights-of-way, except as provided in section 19-145(a).

~~(y)~~ (x) Video rental and sales store.

o o o

(2) *That this ordinance shall become effective immediately upon adoption.*

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

♦ **REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.**

04SN0171: In Bermuda Magisterial District, **GDD PROPERTIES LLC** requested rezoning and amendment of zoning district map from General Business (C-5) to Regional Business (C-4) of 3.6 acres with Conditional Use to permit an exposition building plus Conditional Use Planned Development on this property and 3.8 acres currently zoned General Business (C-5) to permit exceptions to Ordinance requirements relative to signage. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial use. This request lies on 7.4 acres fronting approximately 75 feet on the north line of Willis Road approximately 330 feet west of Burge Avenue, also fronting approximately 550 feet on the west line of Burge Avenue approximately 230 feet north of Willis Road. Tax IDs 795-671-5688 and 795-677-4820 (Sheet 18).

Ms. Peterson presented an overview of the request and staff's recommendation of Request I to permit an exposition building and denial of Request II to permit exceptions to requirements of the Ordinance for signage.

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation for approval of Request I but did not accept the recommendation for denial of Request II, noting the proposed use would be serving the greater Richmond area and would require significant visibility.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Wilson stated he felt approval was appropriate in that the request was unique and provided an opportunity to upgrade business in the corridor.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 04SN0171, subject to the following condition:

CONDITION

The Textual Statement revised January 30, 2004, shall be considered the Master Plan. (P)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

04SN0196: In Matoaca Magisterial District, **THE TREBOUR FAMILY - LIMITED PARTNERSHIP** requested Conditional Use Planned Development and amendment of zoning district map to permit body, major engine and transmission repair of motor vehicles and exceptions to Ordinance requirements for signs plus amendment to Case 95SN0197 relative to architectural standards. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light commercial use. This request lies in a Regional Business (C-4) District on 16 acres fronting approximately 1,400 feet on the south line of Hull Street Road, also fronting approximately 1,200 feet on the west line of Lonas Parkway and located in the southwest quadrant of the intersection of these roads. Tax IDs 736-679-6168, 7262, 8553 and 9075; and 737-679-Part of 0848 and Part of 9051 (Sheet 16).

Ms. Peterson presented an overview of the request and staff's recommendation for approval of Request I to permit body, major engine and transmission repair plus an amendment to Case 95SN0197 relative to architectural standards and denial of Request II to permit exceptions to Ordinance requirements relative to signage.

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation for approval of Request I but did not accept the recommendation for denial of Request II, noting this request was being held to standards that the applicant felt were unreasonable; that the project stood on its own merit relative to its own distinct identity; and that the applicant was only asking for the same consideration as other automobile businesses located on freestanding, individual parcels.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 04SN0196, subject to the following condition and acceptance of the following proffered condition:

CONDITION

The Textual Statement revised February 13, 2004, shall be considered the master plan.

- (NOTES: A. This condition is in addition to those conditions approved as part of Cases 95SN0197, 97SN0162 and 97SN0239 for the subject property.
- B. With approval of this request, Proffered Condition 8 of Case 95SN0197 is hereby deleted for the subject property.)

PROFFERED CONDITIONS

1. Views from Lonas Parkway of garage doors as well as storage yards for vehicles awaiting repair shall be minimized through the use of landscaping, setbacks or architectural treatment, or a combination thereof. This exact treatment shall be reviewed and approved by the Planning Department at the time of site plan review. (P)
2. Freestanding light poles shall not exceed a height of twenty (20) feet at the perimeter of the project and shall not exceed a height of twenty-five (25) feet within the interior of the project. (P)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

Mr. Gecker introduced and welcomed Mr. R. M. "Dickie" King, Jr., newly elected Bermuda District member of the Board of Supervisor.

02SN0296: (Amended) In Bermuda Magisterial District, **TED A. WILLIAMS, THOMAS A. WILLIAMS, GRACE M. WILLIAMS TRUST AND GEORGE P. EMERSON, JR.** requested rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3) of 19.0 acres plus proffered conditions on 1.4 acres currently zoned Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood mixed use. This request lies on 20.4 acres fronting approximately 850 feet on the south line of East Hundred Road, across from Rivers Bend Boulevard. Tax IDs 815-651-3676 and 7189 and 815-652-2337, 3334, 3521 and 4930 (Sheet 27).

Mr. Clay presented an overview of the request and staff's recommendation for denial, noting the proposed zoning and land uses were not compatible with existing and anticipated development along this portion of the East Hundred Road Corridor. He referenced an Addendum, submitted on February 17, 2004, submitted by the applicant to address concerns expressed by staff relative to Proffered Conditions 1, 2 and 3 and newly added Proffered Condition 7.

Mr. Gulley stated the property frontage along Route 10 was zoned C-3 and C-5 and questioned the compatibility of area zoning trends versus the requested use being the same.

In response to a question from Mr. Gulley, Mr. Jacobson explained staff's interpretation of how the requested use varied in comparison to the current land use plan designation for the area.

Mr. Oliver D. "Skitch" Rudy, the applicant's representative, did not accept staff's recommendation; apologized for the late submittal of the revised/new proffered conditions; stated the requested use was appropriate for the area; and asked the Commission to consider a favorable recommendation.

Mr. Gecker stated he did not feel the request was in the proper posture to proceed; that he was not only uncomfortable with the late submittal of the revised/new proffered conditions but also with being expected to take action under such circumstances; and that, based on the late submittal of the revised proffers, he felt deferral of the case would be appropriate to allow area residents an opportunity to review the revisions and address their concerns.

Mr. Gecker opened the discussion for public comment.

Messrs. Mark Nichol, Sean Borner and Ms. Joyce Luck, area residents, voiced concerns relative to the impact of the development on the community; the hours of operation; noise and visibility pollution; buffers and landscaping; access to Inge Road; wetlands; flooding of Johnson Creek; increased traffic; truck delivery hours; and the lack of an opportunity to review the most recently submitted revised/new proffered conditions.

Mr. Thomas McGee, owner of a portion of the subject property, voiced support for the request, citing health problems as the primary reason for wanting to market the property and requested the Commission consider a favorable recommendation.

There being no one else to speak, Mr. Gecker closed the public comment.

In rebuttal, Mr. Rudy stated the proffered conditions provided adequate protection to the development and area residents; reiterated his position that the requested use was appropriate; and asked the Commission to consider a favorable recommendation.

Mr. Wilson stated he had had fruitful discussions with the applicant and area residents and that although he had concerns about the transitional uses to Johnson Creek, given the commercial development along the property frontage, he felt approval was appropriate.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 02SN0296 and acceptance of the following proffered conditions, including the Addendum:

PROFFERED CONDITIONS

1. Prior to any final site plan approval, the following rights-of-way shall be dedicated, free and unrestricted, to the County of Chesterfield:
 - a. One hundred (100) feet of right-of-way on the south side of Route 10 measured from the centerline of that part of Route 10 immediately adjacent to the property frontage.

- b. Fifty (50) foot wide rights-of-way for special access streets pursuant to Section 19-505(b) of the Zoning Ordinance: (i) from Route 10 at a location that aligns the crossover on Route 10 which serves Rivers Bend Boulevard, southward along the eastern property line of and to the southern property line of the parcel identified as Tax ID 815-652-0203 (the "North/South Street"); and (ii) from the North/South Street, eastward to the eastern property line (the "East/West Street"). The exact location of these rights-of-way shall be approved by the Transportation Department. (T)
- 2. Direct access from the property to Route 10 shall be limited to: 1) the North/South Street; and 2) one (1) entrance/exit (the "Site Access") generally located midway of the property frontage. The exact location of these accesses shall be approved by the Transportation Department. (T)
- 3. To provide an adequate roadway system, the owner/developer shall be responsible for the following:
 - a. Construction of an additional lane of pavement (i.e., fourth eastbound lane) along Route 10 for the entire property frontage.
 - b. Construction of additional pavement along Route 10 at the North/South Street and at the Site Access intersections to provide a separate right turn lane, based on Transportation Department standards.
 - c. Construction of additional pavement along the westbound lanes of Route 10 to provide an adequate left turn lane at the Route 10 crossover that serves the North/South Street. The exact length of this improvement shall be approved by the Transportation Department.
 - d. Full cost of traffic signal modification at the North/South Street/ Route 10 intersection.
 - e. Construction of two (2) lanes of: 1) the North/South Street from Route 10 to the East/West Street; and 2) the East/West Street from the North/South Street to the eastern property line.
 - f. Construction of the North/South Street at its intersection with Route 10 as a three-lane typical section (i.e., one (1) southbound lane and two (2) northbound lanes). The exact length of this improvement shall be approved by the Transportation Department.
 - g. Dedication, to and for the benefit of Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire the right-of-way necessary for the right turn lane at the North/South Street as identified in Proffered Condition 3.b., the developer may request, in writing, the County to acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the

right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way, and only provide the road improvement that can be accommodated within available right-of-way as determined by the Transportation Department. (T)

4. Prior to any final site plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 3, shall be submitted to and approved by the Transportation Department. (T)
5. The public water and wastewater systems shall be used. (U)
6. Except for timbering approved by the Virginia Division of Forestry for the purpose of removing dead and/or diseased trees, there shall be no timbering on the Property until a Land Disturbance Permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
7. Only the following uses shall be allowed within 270 feet of the southern property line: (a) offices; libraries; brokerages; churches and or/Sunday schools; convalescent homes, nursing homes and rest homes; group care facilities; museums; nursery schools and child and adult care centers; and customary accessory uses, (b) best management practice facilities and (c) utilities. Further, the East/West Street shall be located a minimum of 270 feet from the southern property line. (P)

AYES: Messrs. Litton, Wilson and Gulley.

NAY: Mr. Bass/

ABSTENTION: Mr. Gecker.

F. ACTION ON THE FOLLOWING PLAN AMENDMENT.



The Public Facilities Plan, replacing the current adopted Public Facilities Plan (1995), part of the Plan for Chesterfield. The Public Facilities Plan area includes all of Chesterfield County. The Public Facilities Plan, if adopted by the Board of Supervisors, will become part of the Plan for Chesterfield, the County's Comprehensive Plan. The Plan for Chesterfield is used by County citizens, staff, the Planning Commission and Board of Supervisors as a guide for future decisions affecting the County including, but not limited to, decisions regarding future land use, road networks and zoning actions.



Mr. Gecker stated it should be noted the Planning Commission considered the draft Public Facilities Plan at their January 29, 2004, special work session/public hearing meeting, at which time the public hearing was closed and action deferred to this meeting.

Mr. Schlaudt presented an overview of certain recommended text changes/additional information discussed at the January 29th special work session/public hearing and addressed new proposed changes/additional background information for the draft Plan.

At Mr. Gecker's suggestion, the Commission discussed the new proposed changes/additional background information for the draft Plan.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to recommend the following:

Introduction - Page 3 - Key Objectives:

"This Plan should be scheduled for review such that the review process can be completed and a new Plan adopted in five (5) years."

Fire - Page 13 - Other Criteria:

"New fire/rescue stations sites should be at least five acres, to accommodate future expansion."

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

Further, the Commission requested staff add an item to the draft Public Facilities Plan for construction of a fire/rescue facility in the Centralia Road/Route 10 area to accommodate service demands.

Upon conclusion of discussion relative to the "Other Criteria" element of the School Component of the Plan, it was the general consensus of the Commission that the following recommendations should be deleted:

Schools – Page 73 – Other Criteria:

- ~~School renovations should have the goal of "bringing up to parity" the oldest and least improved school sites. Major renovations should include significant improvements to common serving school components, such as technology, cafeterias, gymnasiums, auditoriums, and athletic facilities.~~
- ~~Attendance zone boundary changes may be an option to relieve overcrowding where excess capacity is available at schools in adjacent attendance zones.~~
- ~~Specialty programs should be located at schools outside of rapidly developing areas, and/or at schools that are not overcrowded. (Gecker)~~

There was discussion, and the Commission agreed, there was a need to ensure the School Board had flexibility to schedule school expansion and/or new construction to relieve overcrowding and to respond to new growth and to determine locations of school facilities as well as the timeframe in which the facilities were needed.

On motion of Mr. Gecker, seconded by Mr. Litton, the Commission resolved to recommend an amendment to the "Recommendations" of the School Component of the Plan, as follows:

Page 76, Recommendations - By 2007 2012:

- b. Construct a new middle school in the Courthouse Road area, between Hull Street and Reams Roads, or in the vicinity of the west Hull Street corridor, between ~~Route 288~~ **Woodlake Parkway** and Baldwin Creek Road.

AYES: Messrs. Gecker, Litton and Bass.

NAYS: Messrs. Wilson and Gulley.

There was additional discussion relative to the School Component of the Plan relative to the need for elementary schools in the immediate future versus the long-range future; accelerating the construction of such schools if funding were available; inclusion of recommendations for construction of two (2) new elementary schools (one in the area south of Hull Street Road, between Spring Run and Grange Hall Elementary Schools and the second in the vicinity of the Route 10 Corridor between Interstates 95 and 295) in the **"By 2012"** timeframe versus the **"2007-2012"** timeframe and moving the recommendation for construction of a new high school (in the area generally bordered by Courthouse Road, Powhite Parkway, Chippenham Parkway and Falling Creek) from the **"2007-2012"** timeframe to the **"2012-2022"** timeframe.

Upon conclusion of the discussion, there was Commission consensus that the following recommendations be included in the draft Plan:

Page 76, Recommendations - By 2007 2012:

- a. (Cluster 7) Expand capacity at Harrowgate Elementary School.
- b. Construct a new middle school in the Courthouse Road area, between Hull Street and Reams Roads, or in the vicinity of the west Hull Street corridor, between ~~Route 288~~ **Woodlake Parkway** and Baldwin Creek Road.
- c. Construct a new middle school in the vicinity of the Route 10 corridor, between I-95 and I-295.
- d. Renovate and increase capacity at L.C. Bird High School.
- e. ~~Construct a new high school with capacity for 1,750 students, in the area generally bordered by Courthouse Road, Powhite Parkway, Chippenham Parkway, and Falling Creek.~~

2007-2012

- e. (Cluster 5) Construct a new elementary school with capacity for 775 to 900 students, south of Hull Street, between Spring Run and Grange Hall Elementary Schools.
- f. (Cluster 7) Construct a new elementary school with capacity for 775 students, in the vicinity of the Route 10 corridor, between I-95 and I-295.

2012 – 2022

- g. Construct a new high school with capacity for 1,750 students, in the area generally bordered by Courthouse Road, Powhite Parkway, Chippenham Parkway, and Falling Creek.
- h. (Cluster 4) Construct a new elementary school with capacity for 775 students, west of Watkins Elementary School, north of Genito Road.
- i. (Cluster 5) Construct a new elementary school with capacity for 775 students, west of Woolridge Elementary School, south of Genito Road.
- j. (Cluster 6) Construct a new elementary school with capacity for 775 students south of Beach Road and east of Pocahontas State Park.
- k. Expand capacity at Salem Church Middle School by 250 students.

Upon conclusion of discussion relative to regional athletic facilities serving multiple high schools, Mr. Gecker made a motion, seconded by Mr. Litton, to recommend the language *“Develop regional athletic facilities serving multiple high schools if feasible”* be deleted from the Plan.

AYES: Messrs. Wilson and Gulley.
NAYS: Messrs. Gecker, Litton and Bass.

On motion of Mr. Litton, seconded by Mr. Bass, the Commission resolved to recommend approval of the Public Facilities Plan, replacing the current adopted Public Facilities Plan (1995), part of the Plan for Chesterfield, to include suggested modifications/additions/deletions as discussed and the contents of the February 12, 2004, memo outlining new proposed changes or additional background information for the Plan.

AYES: Messrs. Gecker, Litton and Bass.
NAYS: Messrs. Wilson and Gulley.

G. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Litton, seconded by Mr. Wilson, that the meeting adjourned at approximately 8:45 p. m. to March 16, 2004, at 12:00 Noon in the Executive Session Meeting Room of the Chesterfield County Government Complex.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

Chairman/Date

Secretary/Date